

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 9 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-12 are pending and under consideration. Reconsideration is respectfully requested.

OBJECTION TO THE DISCLOSURE

At page 2 of the outstanding Office Action, the disclosure was objected to "because the Summary of the Invention is missing." Applicant respectfully refers the Examiner to the Manual of Patent Examining Procedure (MPEP) at § 608.01(d), which refers to 37 CFR 1.73. This portion of the CFR states

A brief summary of the invention indicating its nature and subject, which may include a statement of the object of the invention, **should** precede the detailed description. Such summary **should, when set forth**, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

(Emphasis added). Applicant notes that the language of 37 CFR 1.73, which repeatedly uses the word "should," is permissive rather than mandatory. 37 CFR 1.73 does not state that a brief summary of the invention must precede the detailed description. Accordingly, Applicant respectfully submits that a brief summary of the invention is suggested, but not required.

Further, MPEP § 608.01(d) states that "The brief summary should be more than a mere statement of the objects of the invention, **which statement is also permissible under 37 CFR 1.73.**" Applicant respectfully notes that, at page 5 of the originally filed Specification at lines 5-23, first, second, and third objects of the present invention are recited in the first three paragraphs of the "Disclosure of the Invention." Applicant submits that, even if a brief summary of the invention were required, this statement of objects of the invention would satisfy 37 CFR 1.73. For these reasons, Applicant respectfully requests that this objection to the Disclosure be withdrawn.

REJECTION UNDER 35 U.S.C. §103(A)

In the Office Action at page 5-19, claims 1-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,631,496 to Li, et al. in view of U.S. Patent No. 5,920,864 to Zhao. Both Li, et al. and Zhao are newly cited. This rejection is traversed and reconsideration is respectfully requested.

As a preliminary matter, Applicant notes that Li, et al. is not cited on any IDS filed by Applicant or on any PTO 892 received by Applicant from the USPTO.

The primary reference, Li, et al. issued from U.S. Patent Application No. 09/273,808, filed on March 22, 1999. The present application was filed on April 21, 2001 and is a continuation of PCT/JP99/05376, filed on September 30, 1999. Priority for PCT/JP99/05376 is based upon Japanese Patent Application No. 10-304395, filed on October 26, 1998. In accordance with MPEP § 201.15, a translation of Japanese Patent Application No. 10-304395, accompanied by a statement that the translation of Japanese Patent Application No. 10-304395 is accurate, is submitted herewith. In view of this, Applicant respectfully submits that Li, et al. is not valid prior art against the present application.

Zhao is not asserted to teach all of the features of claims 1-12 of the present application. As Zhao fails to teach or suggest all of the features of claims 1-12 of the present application, Applicant respectfully submits that claims 1-12 patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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